

July 31, 2010

The following language was inadvertently omitted and should have been the proposed language in the report of the committee on conference on the disagreeing votes of the two branches, relative to extending expanded gaming in the Commonwealth (House, No. 5001).

**SENATE**

**HOUSE**

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Stanley C. Rosenberg

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Brian S. Dempsey

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Steven C. Panagiotakos

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Kathi-Anne Reinstein

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Richard J. Ross

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Paul K. Frost

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In SECTION 1, by striking out "SECTION 1." and inserting in place thereof:- SECTION 10.;

In SECTION 1, by inserting after "commission" the following:- , established by chapter 23K of the General Laws;

In line 2, by striking out "chapter" and inserting in place thereof:- said chapter 23K;

In line 3, by striking out "chapter" and inserting in place thereof:- act;

In line 4, by striking out "SECTION 2" and inserting in place thereof:- SECTION 11;

In line 19, by striking out “facility” and inserting in place thereof:- area;

In line 26, by striking out “facility” and inserting in place thereof:- area;

In line 27, by inserting before “service” the following:- social;

In line 29, by striking out “9” and inserting in place thereof:- 13;

In line 31, by inserting after “section” the following:- 17;

In line 32, by striking out “SECTION 3” and inserting in place thereof:- SECTION 12;

In line 35, by inserting before “commission” the following:- Massachusetts gaming;

In line 35, by inserting after “fund” the following:- and shall;

In line 38, by striking out “7” and inserting in place thereof:- 2 of this act;

In line 38, by striking out “this chapter” and inserting in place thereof:- chapter 23K of the General Laws;

In line 48, by inserting after “29” the following:- of the General Laws;

In line 49, by striking out “chapter 7A, chapter 7, chapter 10” and inserting in place thereof:- chapter 7 of the General Laws, chapter 7A of the General Laws, and chapter 10 of the General Laws;

In line 50, by striking out “29” and inserting in place thereof:- said chapter 29;

In line 55, by inserting after “of” the following:- said;

In line 59, by inserting after “of”, in both instances, the following:- said;

In line 63, by striking out “SECTION 4” and inserting in place thereof:-SECTION 13;

In line 66, by striking out “7” and inserting in place thereof:- subsection (e) of section 11;

In line 73, by striking out “SECTION 5” and inserting in place thereof:- SECTION 14;

In line 74, by striking out “shall pay to the commission” and inserting in place thereof:- under chapter 23K of the General Laws shall pay to the Massachusetts gaming commission;

In line 79, by striking out “SECTION 6” and inserting in place thereof:- SECTION 15;

In line 80, by inserting after “license” the following:- under chapter 23K of the General Laws;

In line 82, by inserting before “commission” the following:- Massachusetts gaming;

In line 96, by inserting after “1” the following:- gaming;

In line 108, by striking out “this chapter” and inserting in place thereof:- said chapter 23K;

In line 109, by striking out “(d)”;

In line 111, by striking out “maintainand” and inserting in place thereof:- maintain and;

In line 111, by striking out “this chapter” and inserting in place thereof:- chapter 23K;

In line 114, by inserting after “license” the following:- under chapter 23K of the General Laws;

In line 126, by striking out “SECTION 7” and inserting in place thereof:- SECTION 16;

In line 127, by inserting after “commission” the following:- under chapter 23K of the General Laws;

In line 131, by striking out “SECTION 8” and inserting in place thereof:- SECTION 17;

In line 134, by striking out “SECTION 9” and inserting in place thereof:- SECTION 18

In line 138, by striking out “this chapter” and chapter 23K of the General Laws;

In line 141, by inserting after “5” the following:- of said chapter 23K;

In line 154, by striking out “SECTION 10” and inserting in place thereof:- SECTION 19;

In line 160, by striking out “SECTION 11” and inserting in place thereof:- SECTION 20;

In line 164, by striking out “SECTION 12” and inserting in place thereof:- SECTION 21;

In line 175, by striking out “SECTION 13” and inserting in place thereof:- SECTION 22;

In line 178-213, inclusive, by striking out SECTION 14;

In line 214, by striking out “SECTION 15” and inserting in place thereof:- SECTION 24;

In line 215, by striking out “bureau” and inserting in place thereof:- investigations and enforcement bureau, established by chapter 23K;

In line 216, by striking out “any provision of this chapter or any regulation or order adopted by the” and inserting in place thereof:- chapter 23K or any regulation or order adopted by the Massachusetts gaming”;

In line 252, by inserting after “30A” the following:- of the General Laws;

In line 258, by inserting after “to” the following:- said;

In line 264, by inserting after “to” the following:- said;

In line 278, by inserting after “231” the following:- of the General Laws;

In line 290, by striking out “section 6C of” and inserting in place thereof:- said section 6C of said;

In line 295, by striking out “chapter”, the first time it appears, and inserting in place thereof:- chapter 23K of the General Laws or of this act;

In line 295, by striking out “this chapter”, the second time it appears, and inserting in place thereof:- said chapter 23K;

In line 293, by striking out “SECTION 16” and inserting in place thereof:- SECTION 25;

In line 300, by striking out “this chapter” and inserting in place thereof:- said chapter 23K;

In line 304, by striking out “this chapter” and inserting in place thereof:- said chapter 23K;

In line 329, by striking out “SECTION 17” and inserting in place thereof:- SECTION 26;

In line 307, by inserting after “the”, the second time it appears, the following:- Massachusetts gaming;

In line 307, by inserting after “the”, the first time it appears, the following:- Massachusetts gaming;

In line 331, by striking out “board, bureau, commission or division” and inserting in place thereof:- investigations and enforcement bureau, the Massachusetts gaming commission or the division of gaming enforcement;

In line 332, by striking out “board, bureau, commission or division” and inserting in place thereof:- said bureau, said commission, or said division;

In line 333, by striking out “this chapter” and inserting in place thereof:- chapter 23K of the General Laws or of this act;

In line 335, by striking out “SECTION 18” and inserting in place thereof:- SECTION 27;

In line 336, by inserting after “establishment” the following:- licensed under chapter 23K of the General Laws;

In line 342, by inserting after “game” the following:-, as defined in section 23K,;

In line 375, by striking out “SECTION 19” and inserting in place thereof:- SECTION 28;

In line 376, by inserting after “game” the following: -, as defined in chapter 23K of the General Laws;

In line 385, by striking out “SECTION 20” and inserting in place thereof:- SECTION 29;

In line 386, by striking out “chapter” and inserting in place thereof:- act;

In line 392, by striking out “SECTION 21” and inserting in place thereof:- SECTION 30;

In line 394, by striking out “this chapter” and inserting in place thereof:- chapter 23K of the General Laws or this act;

In line 394, by striking out “division or bureau” and inserting in place thereof:- the division of gaming enforcement and the investigations and enforcement bureau;

In line 396, by inserting after “94C”, the first time it appears, the following:- of the General Laws;

In line 398, by striking out “SECTION 22” and inserting in place thereof:- SECTION 31;

In line 410, by striking out “SECTION 22” and inserting in place thereof:- SECTION 32;

In line 414, by striking out “SECTION 23” and inserting in place thereof:- SECTION 33;

In lines 415 to 430, inclusive, by striking out subsection (a);

In line 431, by striking out “(c)”;

In lines 434 to 466, inclusive, by striking out subsections (d) to (h), inclusive.

In line 467, by striking out “SECTION 24” and inserting in place thereof:- SECTION 34;

In line 468, by inserting after “23K” the following:- of the General Laws;

In line 470, by inserting after under the following:- said;

In line 474, by striking out “53” and inserting in place thereof:- 41;

In line 477, by inserting after “inclusive” the following:- , of the General Laws;

In line 478, by inserting after “inclusive” the following:- , of the General Laws;

In line 479, by striking out “SECTION 25” and inserting in place thereof:- SECTION 35;

In line 484, by striking out “SECTION 26” and inserting in place thereof:- SECTION 36;

In line 485, by striking out “licensed gaming establishment” and inserting in place thereof:- gaming establishment licensed under chapter 23K of the General Laws;

In line 487, by inserting after “119A” the following:- of the General Laws;

In line 499, by striking out “SECTION 27” and inserting in place thereof:- SECTION 37;

In line 500, by inserting after “licensees” the following:- licensed under chapter 23K of the General Laws;

In line 501, by inserting after “119A” the following:- of the General Laws;

In line 507, by striking out “SECTION 28” and inserting in place thereof:- SECTION 38;

In line 508, by striking out “licensee” and inserting in place thereof:-gaming establishment licensed under chapter 23K of the General Laws;

In line 511, by striking out “SECTION 29” and inserting in place thereof:- SECTION 39;

In line 512, by inserting after "ticket" the following:- issued by a gaming establishment licensed under chapter 23K of the General Laws;

In line 513, by striking out "52" and inserting in place thereof:-40;

In line 514, by inserting before "There" the following:- "SECTION 40.";

In line 518-532, by it out in its entirety and inserting in place thereof:-

(1) one hundred per cent of the revenue received from category 2 licensees shall be transferred to the gaming local aid fund established by section 55.

(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:

(a) One per cent of revenues shall be transferred to the Massachusetts cultural council of which one half of revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and of which not less than one half of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the licensure of gaming facilities in the commonwealth of Massachusetts. Funds dedicated to such performing arts centers shall be for the purpose of subsidizing fees paid to touring shows or artists; provided, however that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council.

(b) One half percent shall be transferred to the Massachusetts tourism fund established pursuant to section 35J of chapter 10 of the General Laws which shall fund tourist promotion agencies as defined in subsection (c).

(c) One half per cent shall be transferred to the community mitigation fund established by section 42; provided, however, that said fund balance shall not exceed \$15,000,000. Funds in excess of \$15,000,000 shall be transferred to the local capital projects fund established by section 52;

(d) Three per cent shall be transferred to the local capital projects fund established by section 52;

(e) Thirty per cent shall be transferred to the gaming local aid fund established by section 43;

(f) Fifteen per cent shall be transferred to the commonwealth stabilization fund established by section 2H of chapter 29 of the General Laws; provided, however, that in any fiscal year in which the amount appropriated in item 7061-0008 of the general appropriation act, paid from the General Fund, or the amount of unrestricted general government aid paid from the general fund, including lottery aid distribution to cities and towns as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws and the amount of additional funds distributed to cities and towns as additional assistance paid from the General Fund, is less than that of the previous fiscal year, up to one-half of the funds otherwise directed to the Commonwealth Stabilization Fund pursuant to this section, up to an amount equal to the deficiency between said appropriations for the current and previous fiscal years, shall be transferred to the gaming local aid fund in addition to the thirty percent provided for in subsection (e);

(g) Fifteen per cent shall be transferred to the Education Fund established by section 44.

(h) Fifteen per cent shall be transferred to the economic development fund established by section 2CCCC of chapter 29 of the General Laws.

(i) Fifteen per cent shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, that, this program shall be developed jointly by the state treasurer and the secretary for administration and finance and shall be implemented in compliance with state finance law; provided, further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; provided further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 of

the General Laws for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board;

(j) Five per cent shall be transferred to the gaming mitigation trust fund established under section 45.

In line 533, by striking out "SECTION 30" and inserting in place thereof:- SECTION 41;

In line 546, by inserting after "128" the following:- of the General Laws;

In line 548, by inserting after "of" the following:- said;

In line 563, by striking out "SECTION 31" and inserting in place thereof:- SECTION 42;

In line 564, by striking out "Section 54";

In line 565, by striking out "community fund" and inserting in place thereof:- the Community Mitigation Fund;

In line 566, by striking out "52" and inserting in place thereof:- 46;

In line 568, by inserting after "The" the following:- Massachusetts gaming;

In line 576, by striking out "SECTION 32" and inserting in place thereof:- SECTION 43;

In line 597, by striking out "SECTION 33" and inserting in place thereof:- SECTION 44;

In line 579, by striking out "52" and inserting in place thereof:- 40;

In line 604, by striking out "SECTION 34" and inserting in place thereof:- SECTION 45;

In line 609, by striking out "board" and inserting in place thereof:- Massachusetts gaming commission;

In line 611, by striking out "Two and one half" and inserting in place thereof:-40;

In line 615, by striking out "One and one half" and inserting in place thereof:- 30;

In line 618, by striking out "One and one half" and inserting in place thereof:- 30;

In line 621, by striking out "SECTION 35. Notwithstanding any general or special law rule or regulation to the contrary:-" and inserting in place thereof:- SECTION 1;

In line 622, by striking out "3" and inserting in place thereof:- 2;

In line 641, by striking out "SECTION 36. Notwithstanding any general or special law rule or regulation to the contrary:-" and inserting in place thereof:- SECTION 2;

In line 645, by striking out "SECTION 37. Notwithstanding any general or special law rule or regulation to the contrary:-" and inserting in place thereof:- SECTION 3.;

In line 647, by adding the following 2 sentences:- Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of lottery or wagering winnings, which are subject to tax under chapter 62 and which are subject to withholding under section 3402(q) without the exception for slot machines, and keno, and bingo played at licensed casinos in the commonwealth in subsection (q)(5) and (r) of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5 percent of such payment, except that such withholding for purposes of this chapter shall apply to payments of winnings of \$600 or greater notwithstanding any contrary provisions of the Internal Revenue Code, as amended from time to time. For purposes of this chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee.

In line 648, by striking out “SECTION 38. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 4;

In line 675, by striking out “SECTION 39. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 5;

In line 680, by striking out “SECTION 40. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 6;

In line 706, by striking out “SECTION 41. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 7;

In line 785, by striking out “SECTION 42. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 8;

In line 797, by striking out “SECTION 43. Notwithstanding any general or special law rule or regulation to the contrary:-” and inserting in place thereof:- SECTION 9;

In line 863, by striking out “SECTION 44” and inserting in place thereof:- SECTION 46;

In line 866, by inserting after “license” under chapter 23K of the General Laws;

In line 866, by inserting before “commission” the following:- Massachusetts gaming;

In line 868, by striking out “54” and inserting in place thereof:- 42;

In line 871, by striking out “XX” and inserting in place thereof:- 52;

In line 872, by striking out “XX” and inserting in place thereof:- 49;

In line 873, by striking out “xx” and inserting in place thereof:- 50;

In line 874, by striking out “xx” and inserting in place thereof:- 35J of chapter 10 of the General Laws;

In line 881, by striking out “control board” and inserting in place thereof:- commission;



In line 885, by striking out “71” and inserting in place thereof:- 47;

In line 886, by striking out “SECTION 45” and inserting in place thereof:- SECTION 47;

In line 889, by striking out “control board” and inserting in place thereof:- commission;

In line 891, by striking out “control board” and inserting in place thereof:- commission;

In line 895, by striking out “SECTION 46” and inserting in place thereof:- SECTION 48;

In line 898, by striking out “SECTION 47” and inserting in place thereof:- SECTION 49;

In line 900, by striking out “51” and inserting in place thereof:- 46;

In line 902, by striking out “SECTION 48” and inserting in place thereof:- SECTION 50;

In line 905, by striking out “51” and inserting in place thereof:- 46;

In line 907, by striking out “SECTION 49” and inserting in place thereof:- SECTION 51;

In line 958, by striking out “SECTION 50” and inserting in place thereof:- SECTION 52;

In line 961, by striking out “51 or 52” and inserting in place thereof:- 40 or 46; and

By adding at the end thereof the following section:-

SECTION 53. After a review of the entire application and any independent evaluations, the Massachusetts gaming commission shall identify which communities shall be designated as the surrounding communities of a proposed gaming establishment. In making that determination the commission shall consider the plan submitted by the applicant under chapter 23K of the General Laws, information received from the public and factors which include, but shall not be limited to, population, infrastructure, distance from the gaming establishment and political boundaries. Upon the identification of surrounding communities by the commission, the applicant shall negotiate a signed agreement with each community; provided that each agreement shall include a surrounding community impact fee and all stipulations of responsibility between the community and the applicant, including stipulations of known impacts from the development and operation of the gaming establishment. When necessary the board may facilitate the negotiation of fair and reasonable agreements between the applicant and surrounding communities.